

Approved: _____ Mayor

Veto: _____

Override: _____

RESOLUTION NO. Z-12-05

WHEREAS, JOSE MILTON & VILLAGE SHOPPING CENTER TRUST applied to

Community Zoning Appeals Board 5 for the following:

- (1) BU-1A to RU-4

REQUEST #1 ON THE SOUTHERN PARCEL

- (2) UNUSUAL USE for entrance features – to wit: gated entrances, guardhouses and a decorative fountain.

REQUEST #2 ON THE NORTHERN & SOUTHERN PARCELS

- (3) MODIFICATION of Condition #3 of Resolution Z-190-71, passed and adopted by the Board of county Commissioners and last modified by Resolution 4-ZAB-98-85, passed and adopted by the Zoning Appeals Board, reading as follows:

FROM: "3. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Apartments Conversion for Country Club Towers,' as prepared by Salvador M. Cruxent, Architect, dated 12-20-84 and consisting of 3 pages."

TO: "3. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Country Club Towers Second Phase II,' as prepared by Salvador M. Cruxent, Architect, dated, signed & sealed 1/31/05 consisting of 11 sheets and landscape plans prepared by EGS2 Corp., dated signed and sealed 2/17/05 and consisting of 8 sheets."

The purpose of request #3 is to permit the applicant to submit new site plans for a residential apartment development on the southern parcel and showing pedestrian and vehicular connectivity to the existing development on the northern parcel.

- (4) DELETION of 3 Agreements as recorded in Official Record Book 7397, Pages 597 through 609 and Pages 620 through 625.

The purpose of request #4 is to allow the applicant to release the aforementioned agreements from the subject property, which tied the residential parcel to a site plan.

REQUESTS #3 & #4 ON THE NORTHERN PARCEL

- (5) Applicant is requesting to permit a proposed parking garage setback 20' from the south and 15' from the east property lines (25' required for both).

- (6) Applicant is requesting to permit all buildings spaced 20' from each other (30' required where doors, windows or other openings in the building wall of a living unit face a wall of the same building and/or a wall of another building on the same site).

REQUESTS #5 & #6 ON THE SOUTHERN PARCEL

Upon a demonstration that the applicable standards have been satisfied, approval of requests #3 & #4 may be considered under §33-311(A)(7) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing) and approval of requests #5 & #6 may be considered under §33-311(A)(15) (Alternative Site Development Option for Multiple-Family Use) or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

The aforementioned plans are on file and may be examined in the Zoning Department. Plans may be modified at public hearing.

SUBJECT PROPERTY: NORTHERN TRACT: Tract "A", COUNTRY CLUB TOWERS SUBDIVISION, Plat book 117, Page 2. AND: SOUTHERN TRACT: Tract "A", COUNTRY CLUB OF MIAMI VILLAGE CENTER, Plat book 99, Page 61.

LOCATION: 6790 N.W. 186 Street & 18255-18345 N.W. 68 Avenue, Miami-Dade County, Florida, and

WHEREAS, a public hearing of Community Zoning Appeals Board __ was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant proffered a Declaration of Restrictions, and

WHEREAS, upon due and proper consideration having been given to the matter matter and to the recommendation of the Developmental Impact Committee, it was the opinion of Community Zoning Appeals Board 5 that the requested district boundary change to RU-4 (Item #1) would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be denied, and that the requested unusual use (Item #2) modification (Item #3), deletion (Item #4), and the requests to permit a proposed parking garage setback 20' from the south and 15' from the east property lines (Item #5), and to permit all buildings spaced 20' from each other (Item #6) would not be compatible with

the area and its development and would not be in harmony with the general purpose and intent of the regulations and would not conform with the requirements and intent of the Zoning Procedure Ordinance, and that the requested unusual use (Item #2) would have an adverse impact upon the public interest and should be denied without prejudice and said application was denied by Resolution No. CZAB5-9-05, and

WHEREAS, VILLAGE SHOPPING CENTER TRUST L. L. C. & COUNTRY CLUB TRUST L. L. C. (F/K/A: JOSE MILTON & VILLAGE SHOPPING CENTER TRUST) appealed the decision of Community Zoning Appeals Board 5 to the Board of County Commissioners for the following:

- (1) BU-1A to RU-4

REQUEST #1 ON THE SOUTHERN PARCEL

- (2) UNUSUAL USE for entrance features – to wit: gated entrances, guardhouses and a decorative fountain.
- (3) MODIFICATION of Condition #3 of Resolution Z-190-71, passed and adopted by the Board of county Commissioners and last modified by Resolution 4-ZAB-98-85, passed and adopted by the Zoning Appeals Board, reading as follows:

FROM: "3. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Apartments Conversion for Country Club Towers,' as prepared by Salvador M. Cruxent, Architect, dated 12-20-84 and consisting of 3 pages."

TO: "3. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Country Club Towers Second Phase II,' as prepared by Salvador M. Cruxent, Architect, dated, signed & sealed 1/31/05 consisting of 11 sheets and landscape plans prepared by EGS2 Corp., dated signed and sealed 2/17/05 and consisting of 8 sheets."

The purpose of request #3 is to permit the applicant to submit new site plans for a residential apartment development on the southern parcel and showing pedestrian and vehicular connectivity to the existing development on the northern parcel.

REQUEST #2 & #3 ON THE NORTHERN & SOUTHERN PARCELS

- (4) DELETION of 3 Agreements as recorded in Official Record Book 7397, Pages 597 through 609 and Pages 620 through 625.

The purpose of request #4 is to allow the applicant to release the aforementioned agreements from the subject property, which tied the residential parcel to a site plan.

REQUEST #4 ON THE NORTHERN PARCEL

- (5) Applicant is requesting to permit a proposed parking garage setback 20' from the south and 15' from the east property lines (25' required for both).
- (6) Applicant is requesting to permit all buildings spaced 20' from each other (30' required where doors, windows or other openings in the building wall of a living unit face a wall of the same building and/or a wall of another building on the same site).

REQUESTS #5 & #6 ON THE SOUTHERN PARCEL

Upon a demonstration that the applicable standards have been satisfied, approval of requests #3 & #4 may be considered under §33-311(A)(7) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing) and approval of requests #5 & #6 may be considered under §33-311(A)(15) (Alternative Site Development Option for Multiple-Family Use) or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

The aforementioned plans are on file and may be examined in the Zoning Department. Plans may be modified at public hearing.

SUBJECT PROPERTY: NORTHERN TRACT: Tract "A", COUNTRY CLUB TOWERS SUBDIVISION, Plat book 117, Page 2. AND: SOUTHERN TRACT: Tract "A", COUNTRY CLUB OF MIAMI VILLAGE CENTER, Plat book 99, Page 61.

LOCATION: 6790 N.W. 186 Street & 18255-18345 N.W. 68 Avenue, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Board of County Commissioners was advertised and held, as required by the Zoning Procedure Ordinance, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant proffered a Declaration of Restrictions which among other things provided:

1. That said Property shall be developed substantially in accordance with the plans previously submitted to the Miami-Dade County Department of Planning and Zoning (the "Plans"), prepared by Salvador M. Cruxent, Architect, dated signed and sealed and sealed the 31st day of January, 2005 consisting of eleven (11) sheets and landscape plans prepared by EGS2 Corp., dated signed and sealed the 17th day of February, 2005 and consisting of 8 sheets, except as modified to provide for compliance with all applicable landscaping regulations set forth in Chapter 18A of the Code of Miami-Dade County, Florida, as described in paragraph four (4) below, said Plans being on file with the Department of Planning and Zoning, and by

reference made a part of this agreement, as may be further modified at the public hearing on the Application.

2. That the new residential development of said Property shall not exceed a total of six hundred fifty-five (655) dwelling units comprising a maximum dwelling count of three hundred twenty (320) dwelling units existing on the North Parcel and three hundred thirty-five (335) dwelling units on the South Parcel.
3. That to the extent Severable Use Rights ("SURs") may be necessary to effectuate the Plans described in paragraph one (1) above, the Owners, its successors or assigns will purchase and apply the required SURs prior to obtaining final plat approval or to obtaining any building permits, whichever shall occur first.
4. That said Property shall be developed in compliance with all applicable landscaping regulations set forth in Chapter 18A of the Code of Miami-Dade County, Florida, being in full force and effect on the date this Declaration is recorded.
5. That the building located on the South Parcel entitled "Recreation/Gymnasium" on the Plans shall not be utilized for any purpose other than as a community clubhouse/fitness center for Property residents and their guests and/or as a Property leasing office, all in compliance with Section 33-207.6 of the Code of Miami-Dade County.
6. That prior to final zoning inspection, the Owners, at their sole expense, shall provide and install two (2) bus stops in the public right-of-way along the Property, if approved by the Public Works Department, and/or on said Property at locations to be approved by the Miami-Dade Transit Department.

WHEREAS, this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, and

WHEREAS, after reviewing the record and decision of Community Zoning Appeals Board 5 and after having given an opportunity for interested parties to be heard, it is the opinion of this Board that the grounds and reasons made by Community Zoning Appeals Board 5 in Resolution No. CZAB5-9-05 were sufficient to merit a reversal of the decision and the appeal should be granted and the decision of Community Zoning Appeals Board 5 should be overruled, and

WHEREAS, upon due and proper consideration having been given to the matter and to the recommendation of the Developmental Impact Committee, it is the opinion of this

Board that the requested district boundary change to RU-4 on the southern parcel (Item #1) would be compatible with the neighborhood and area concerned and would not be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be approved, and that the requested unusual use on the northern and southern parcels (Item #2), modification on the northern and southern parcels (Item #3), deletion on the northern parcel (Item #4), and the requests to permit a proposed parking garage setback 20' from the south and 15' from the east property lines on the southern parcel (Item #5) and to permit all buildings spaced 20' from each other on the southern parcel (Item #6) would be compatible with the area and its development and would be in harmony with the general purpose and intent of the regulations and would conform with the requirements and intent of the Zoning Procedure Ordinance, and that the requested unusual use on the northern and southern parcels (Item #2) would not have an adverse impact upon the public interest and should be approved, and that the proffered Declaration of Restrictions should be accepted, and

WHEREAS, a motion to grant the appeal and overrule the decision of Community Zoning Appeals Board 5, accept the proffered Declaration of Restrictions, approve Items #1 and 2, approve Items 3 and 4 under section 33-311(A)(7), approve Items #5 and 6 as non-use variances, deny Items #3 and 4 without prejudice under section 33-311(A)(17), deny Item #5 as an alternative site development option, and deny Items #4 and 5 as alternative non-use variances was offered by Commissioner Natacha Seijas, seconded by Commissioner Jose "Pepe" Diaz, and upon a poll of the members present the vote was as follows:

Bruno A. Barreiro	aye	Dennis C. Moss	aye
Dr. Barbara M. Carey-Shuler	absent	Dorrin D. Rolle	aye
Jose "Pepe" Diaz	aye	Natacha Seijas	aye
Carlos A. Gimmenez	absent	Katy Sorenson	nay
Sally A. Heyman	aye	Rebecca Sosa	absent
Barbara J. Jordan	aye	Sen. Javier D. Souto	absent

Chairperson Joe A. Martinez absent

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Miami-Dade County, Florida, that the appeal be and the same is hereby granted and the decision of Community Zoning Appeals Board 5 is overruled.

BE IT FURTHER RESOLVED that the requested district boundary change to RU-4 on the southern parcel (Item #1) be and the same is hereby approved.

BE IT FURTHER RESOLVED that the requested unusual use on the northern and southern parcels (Item #2) be and the same is hereby approved, and that the requested modification on the northern and southern parcels (Item #3) and deletion on the northern parcel (Item #4) be and the same are hereby approved under section 33-311(A)(17), and that the requests to permit a proposed parking garage setback 20' from the south and 15' from the east property lines on the southern parcel (Item #5) and to permit all buildings spaced 20' from each other on the southern parcel (Item #6) be and the same are hereby approved as non-use variances, with Items #2-6 under the following conditions:

1. That a full set of plans be submitted to and meet with the approval of the Director upon the submittal of an application for a building permit and/or Certificate of Use; said plan to include among other things but not be limited thereto, location of structure or structures, types, sizes and location of signs, light standards, off-street parking areas, exits and entrances, drainage, walls, fences, landscaping, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Country Club Towers Second Phase II," as prepared by Salvador Cruxent, Architect, dated, signed & sealed 1/31/05 consisting of 11 sheets and landscape plans prepared by EGS2 Corp., dated signed and sealed 2/17/05 and consisting of 8 sheets.
3. That the use be established and maintained in accordance with the approved plan.

4. That the applicant submit to the Department for its review and approval a landscaping plan that indicates the type and size of plant material prior to the issuance of a building permit and to be installed prior to the issuance of a Certificate of Use.
5. That the applicant obtain a Certificate of Use from the Department, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.
6. That the applicant comply with all of the applicable conditions, requirements, recommendations, requests and other provisions of the various Departments as contained within this report.
7. That all the conditions of Resolution #4-ZAB-98-95 remain in full force and effect except as modified herein.
8. That the applicant coordinate with Miami Dade Transit to provide one bus stop on N.W. 186 Street and one on N.W. 68th Avenue.
9. That the 1-story recreation/gymnasium facility proposed on the South Parcel comply with Section 33-207.6 of the Zoning Code of Miami-Dade County.
10. That the applicant submit to the Department thirty (30) Severable Use Rights (SUR's) at time of plat.
11. That the residential development of said property shall not exceed a total of 655 dwellings units comprising a maximum dwelling unit count of 320 units on the North parcel and 355 units on the south parcel

BE IT FURTHER RESOLVED, that the requested modification of Condition #3 of Resolution Z-190-71, passed and adopted by the Board of county Commissioners and last modified by Resolution 4-ZAB-98-85 on the northern and southern parcels (Item #3), shall read as follows:

3. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Country Club Towers Second Phase II,' as prepared by Salvador M. Cruxent, Architect, dated, signed & sealed 1/31/05 consisting of 11 sheets and landscape plans prepared by EGS2 Corp., dated signed and sealed 2/17/05 and consisting of 8 sheets.

BE IT FURTHER RESOLVED that Items #3 and 4 be and the same are hereby denied without prejudice under Section 33-311(A)(17), and that Item# 5 be and the same is hereby

denied without prejudice as an alternative site development option, and that Items #4 and 5 be and the same are hereby denied without prejudice as alternative non-use variances.


BE IT FURTHER RESOLVED that Resolution No. CZAB5-9-05 is hereby null and void.

BE IT FURTHER RESOLVED that, pursuant to Section 33-6 of the Code of Miami-Dade County, Florida, the County hereby accepts the proffered covenant and does exercise its option to enforce the proffered restrictions wherein the same are more restrictive than applicable zoning regulations.

The Director is hereby authorized to make the necessary changes and notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning and to issue all permits in accordance with the terms and conditions of this resolution.

THIS RESOLUTION HAS BEEN DULY PASSED AND ADOPTED this 19th day of May, 2005, and shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

No. 05-3-CZ5-2
xx

HARVEY RUVIN, Clerk
Board of County Commissioners
Miami-Dade County, Florida
By 
Deputy Clerk

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 2ND DAY OF JUNE, 2005.

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

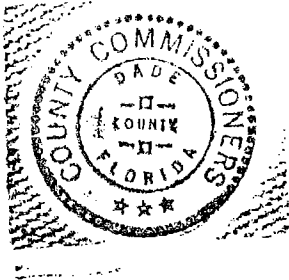
I, Deputy Clerk's Name, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. Z-12-05 adopted by said Board of County Commissioners at its meeting held on the 19th day of May, 2005.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 2nd day of June, 2005.



Earl Jones, Deputy Clerk (3230)
Miami-Dade County Department of Planning and Zoning

SEAL





Department of Planning and Zoning

Stephen P. Clark Center
111 NW 1st Street • Suite 1210
Miami, Florida 33128-1902
T 305-375-2800

June 2, 2005

miamidade.gov

Village Shopping Center Trust L. L. C.
& Country Club Trust L. L. C. (F/K/A:
Jose Milton & Village Shopping Center Trust)
c/o Juan Mayol
701 Brickell Avenue
Suite 3000
Miami, Florida 33131

Re: Hearing No. 05-3-CZ5-2
Location: 6790 N.W. 186 Street & 1
8255-18345 N.W. 68 Avenue,
Miami-Dade County, Florida

Dear Appellant:

Enclosed herewith is Resolution No. Z-12-05, adopted by the Board of County Commissioners, which accepted the proffered Declaration of Restrictions and granted your appeal and reversed the decision of Community Zoning Appeals Board 8 on the above-described property. Please note the conditions under which said approval was granted, inasmuch as strict compliance therewith will be required.

If stipulated in the resolution that building permits and/or use, occupancy or completion certificates will be required, please note that permits must be obtained and final inspection approvals received for construction work done or required prior to issuance of the applicable certificate(s) pursuant to Section 33-8 of the Zoning Code. Payment of certificates may be subject to annual renewal by this Department. Application for required permits and/or certificates related to use, occupancy or completion should be made with this Department, or the Building Department as appropriate. At time of permit application you must provide a copy of this resolution.

If there are anticipated changes from any plan submitted for the hearing, a plot use plan is to be submitted to this Department in triplicate before any detailed plans are prepared, inasmuch as building permits will not be issued prior to the approval of said plan.

The Board's decision may be appealed by an aggrieved party to Circuit Court within 30 days of the date of transmittal of the resolution to the Clerk of the County Commission. The transmittal date is **June 2, 2005**. In the event an appeal is filed, any building permit sought shall be at the risk of the party seeking said permit. Copies of any court filings concerning this matter should be served upon both my office and:

Robert A. Ginsburg, County Attorney
111 N.W. 1st Street, Suite 2810
Miami, Florida 33128-1993

The County Attorney is not permitted to accept official service of process.

Sincerely,

Earl Jones
Deputy Clerk

Enclosure

Deputy Executive Director

ADA Coordination
Agenda Coordination
Animal Services
Art in Public Places
Audit and Management Services
Aviation
Building
Building Code Compliance
Business Development
Capital Improvements Construction Coordination
Citizens' Independent Transportation Trust
Commission on Ethics and Public Trust
Communications
Community Action Agency
Community & Economic Development
Community Relations
Consumer Services
Corrections & Rehabilitation
Cultural Affairs
Elections
Emergency Management
Employee Relations
Empowerment Trust
Enterprise Technology Services
Environmental Resources Management
Fair Employment Practices
Finance
Fire Rescue
General Services Administration
Historic Preservation
Homeless Trust
Housing Agency
Housing Finance Authority
Human Services
Independent Review Panel
International Trade Consortium
Juvenile Assessment Center
Medical Examiner
Metro-Miami Action Plan
Metropolitan Planning Organization
Park and Recreation
Planning and Zoning
Police
Procurement Management
Property Appraiser
Public Library System
Public Works
Safe Neighborhood Parks
Seaport
Solid Waste Management
Strategic Business Management
Team Metro
Transit
Task Force on Urban Economic Revitalization
Vizcaya Museum And Gardens
Water & Sewer